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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
D'MARQUES ANTHONY LUCKETT,)
)
Defendant.)

No. CR 07-0589 PJH

STIPULATION AND [PROPOSED]
ORDER EXCLUDING TIME FROM
OCTOBER 9, 2007 THROUGH
OCTOBER 25, 2007

On October 9, 2007, the parties in this case appeared before the Court for an arraignment. At that time, the parties stipulated that time should be excluded from the Speedy Trial Act calculations from October 9, 2007 through October 25, 2007, due to the pending detention motion by the government, and the effective preparation and continuity of defense counsel. The parties represented that granting the continuance was the reasonable time necessary for the continuity and effective preparation of defense counsel, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agreed that the ends of justice served by granting such a continuance outweighed the best interests of the public and the

STIP. AND ORDER
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1 defendant in a speedy trial. See 18 U.S.C. § 3161(h)(8)(A).

2 SO STIPULATED:

3 SCOTT N. SCHOOLS
United States Attorney

4 10/23/2007
5 DATED: _____

/s/ Derek Owens

6 DEREK R. OWENS
Assistant United States Attorney

7 10/23/2007
8 DATED: _____

/s/ Steve Kalar

9 STEVE KALAR
Attorney for D'Marques Anthony Lockett

10
11 As the Court found on October 9, 2007, and for the reasons stated above, the Court finds that
12 an exclusion of time between October 9, 2007 through October 25, 2007, is warranted and that
13 the ends of justice served by the continuance outweigh the best interests of the public and the
14 defendant in a speedy trial. See 18 U.S.C. §3161 (h)(8)(A). The failure to grant the requested
15 continuance would deny defense counsel the reasonable time necessary for continuity and
16 effective preparation, taking into account the exercise of due diligence, and would result in a
17 miscarriage of justice. See 18 U.S.C. §3161(h)(8)(B)(iv).

18
19 SO ORDERED.

20
21 DATED: _____

22 THE HONORABLE JAMES LARSON
United States Magistrate Judge